

May 3, 2005

A regular meeting of the Redmond City Council was called to order by Mayor Rosemarie Ives at 8:05 p.m. in the Council Chambers. Council members present were: Cole, Marchione, McCormick, Paine, Resha, and Vache.

ANNOUNCEMENTS

The Mayor announced the following changes to the agenda:

- The order of the Public Hearings will be changed so that the hearing on the Emergency Interim Sign Ordinance precedes the hearing on the Microsoft Development Agreement.

PROCLAMATION

The Mayor read a Proclamation declaring May 2005 Older Americans Month in the City of Redmond. She presented the Proclamation to Linda Van Loben Sels, Senior Center Director, Redmond Senior Center.

The Mayor recognized volunteers Carol Rasmussen and Susan Glenn-Hurley for their service to the Senior Center and the City of Redmond.

PROCLAMATION

The Mayor read a Proclamation declaring May 15 - 21, 2005 National Peace Officers' Week, and May 15, 2005 Peace Officers' Memorial Day. She presented the Proclamation to Larry Gainer, Deputy Police Chief.

INTRODUCTION

Marta Hurwitz, Community Affairs Manager, introduced Catherine Lenox, Public Information Officer in Community Affairs.

EXCUSE COUNCILMEMBER ROBINSON

Motion by Mr. Cole, second by Ms. McCormick, to excuse Mr. Robinson.
Motion carried unanimously (6 - 0).

ITEMS FROM THE AUDIENCE

Steve Portman, 16105 NE 106 Street, a resident on Education Hill, brought to the Council's attention a problem when a neighbor removed landscaping from a median on his cul de sac. He said the plantings provided privacy in front of his home. He spoke with both the Police Department and the Code Enforcement Officer regarding this issue.

Mr. Portman requested that the Council require the new owner to replace the plants with mature shrubs. He wondered if there was a city policy covering this situation and asked that the city clarify the policy.

Jim Roberts, Deputy Planning Director, said as a standard practice, landscaping is required to be installed by developers in cul de sacs. When the lots are sold, the developer typically turns over responsibility for maintaining the landscaping to the homeowners. He said the Parks Department recommended that for sight distance purposes the area be planted with shrubs between two and five feet in height to provide screening, but still allow visibility for traffic safety purposes.

Judy Jewell, 12120 202 Avenue NE, representing Redmond Industry for a Clean Environment (RICE), said the omission of freight mobility in the Transportation Master Plan is of serious concern to RICE and they propose modifications to designate specific Industrial Transportation Corridors consistent with industrial uses.

CONSENT AGENDA

Motion by Ms. McCormick, second by Mr. Paine, to approve the following items of the Consent Agenda:

- (1) approve the minutes of the regular meeting of April 19, 2005
- (2) approve the following payroll/direct deposit and claims checks:

PAYROLL/DIRECT DEPOSIT CHECKS:

#161534 through 161653; and
#136669 through 137266 \$1,337,904.24

CLAIMS CHECKS:

#305272 through 305641 \$2,954,678.05

- (3) confirm the appointment of Terry Lavender to the Hotel-Motel Tax Advisory Committee
- (4) approve water service outside the city limits to REO

Enterprises, LLC, 12735 Willows Road NE, via a new water meter connected to an existing twelve-inch diameter City of Redmond water main in Willows Road NE

- (5) approve four firefighter/paramedic positions to fully staff Redmond Medic 35

Motion carried unanimously (6 - 0).

PUBLIC HEARING - TELECOMMUNICATIONS FRANCHISE FOR SPRINT SPECTRUM LP AT NE 24 STREET AND 73 AVENUE NE (CHANGE OF OWNERSHIP AT EXISTING SITE)

The Mayor, in a memorandum to the Council dated May 3, 2005, recommended that the Council conduct a public hearing at this meeting and, at the next scheduled Council meeting (May 17, 2005), approve an ordinance granting a franchise to Sprint Spectrum L.P. (aka Sprint PCS) for facilities within the city right-of-way at NE 24 Street and 173 Avenue NE.

The Mayor opened the public hearing at 8:35 p.m.

Christina Suarez, 2111 May Street, Hood River, OR 97031, an employee of Sprint Spectrum L.P., said she was present to answer questions.

Hearing no further testimony, the Mayor closed the public hearing at 8:36 p.m.

Motion by Mr. Resha, second by Ms. McCormick, to set a date for City Council to adopt the ordinance granting the telecommunications franchise. Motion carried unanimously (6 - 0).

PUBLIC HEARING - EMERGENCY INTERIM SIGN ORDINANCE NOS. 2253 AND 2254, AMENDING SIGN CODE TO RESTRICT DISPLAY OF PORTABLE COMMERCIAL SIGNS, CLARIFY DEFINITION OF POLITICAL SIGNS, AND LIMIT THE DISPLAY OF FREESTANDING SIGNS WITHIN SPECIFIED RESIDENTIAL ZONES

The Mayor, in a memorandum to the Council dated May 3, 2005, recommended that the Council adopt findings in support of Ordinances 2253 and 2254, to maintain the interim sign ordinances in effect through September 15, 2005, and refer regulations to the Planning Commission for further review.

The Mayor opened the public hearing at 8:37 p.m.

Debra Farris, Code Enforcement Officer, noted the receipt of a letter from Jolyn Davis, Vice President of Marketing, Burnstead Construction Company.

Ms. Farris gave an overview of the city's efforts to address sign code ordinance violations in the city.

James E. Haney, City Attorney, set the parameters for the Council. He said the Council needs to hold a public hearing within sixty days and adopt the findings of fact or the interim ordinances become null and void. He stated that the Council has three options: 1) adopt the findings of fact, 2) revise the existing ordinances or 3) do not adopt the findings of fact and let the ordinances expire. Mr. Haney submitted copies of five legal cases relating to principles other cities follow to regulate signs.

Marty Binell, 7810 Brown Street, owner of Brown Street Espresso Bar, said she received a sign code violation for placing a sign on the sidewalk. She attributes a forty percent drop in her business to the removal of the signs. She stated that the time restraints do not make sense.

Todd Woosley, 12001 NE 12 Street, Suite 44, Bellevue, WA 98009, agreed with the interim sign regulations. He asked the Council to support Alternative B outlined on page 2 of the staff report.

Michael Himes, 1201 Third Avenue, attorney representing Seattle-King County Association of Realtors, said the law allows the Council to make reasoned distinctions between the types of signs. He said the legal case the city is involved in does not say that signs are to be treated equally. He stated that real estate businesses are different than other businesses in that the location changes. He agreed that aesthetics and safety are concerns, but pointed out that when a house sells the sign is removed. Also, there is the fair housing component which embraces non-discriminatory access to housing. Lastly, the law says if the Council adopts restrictions there have to be alternatives.

Ron Fowler, 10717 159 Court NE, Manager, John L. Scott, concurred with Mr. Himes' comments that real estate signs are different than other commercial businesses. He commented that it is imperative that open house signs be visible to everyone. He said research shows that signs play a very important role in the sale of a home.

Jill De Ieso, 9720 NE 120 Place, #100, Kirkland 98034, representing CamWest Development, explained that she is part of a task force in the City of Snoqualmie that is working on the issue of separating real estate signs from other commercial signs. She stressed that the signs are of limited duration and help people to find the homes. She encouraged the Council to make a distinction between temporary real estate signs and other signs.

Dennis Ballen, 6975 176 Avenue NE, owner, Blazing Bagels, said it is critical to be able to advertise his business on the sidewalk. He suggested that other means of portable signage, such as advertisements on buses, UPS, and FedEx trucks should not be allowed. He believes that there should be no distinction between real estate industry signs and those for commercial businesses.

Brian Dennis, 15307 NE 66 Court, a small business owner in Redmond, said he has used sandwich board signs to attract attention, and agrees they should not be allowed in the sidewalk, but there are a number of businesses in town that generate tax revenue for the city that need to have signs to direct people to their location. He asked the Council to consider small business needs when making a decision.

Margaret Woehlert, 18204 NE 127 Street, representing Burnstead Construction, said Burnstead believes real estate signs are a vital part of Redmond's economy.

Mayor noted the receipt of a letter from Tom Schaefer.

Hearing no further testimony, the Mayor closed the public hearing at 9:37 p.m.

Motion by Mr. Paine, second by Ms. McCormick, to modify Ordinance Nos. 2253 and 2254 to allow up to four temporary signs located in residential areas only, and that permanent places of business are not allowed temporary signs.

James E. Haney, City Attorney, said in order to make what Mr. Paine wants to do work, the Council needs to be able to find that the exempted signs are more attractive or create less of a traffic safety hazard. Mr. Haney was not sure the Council had the evidence to support Councilmember Paine's proposal. He explained that most jurisdictions take into account land use designations in dealing with sign codes, and as long as

it is done in a content-neutral manner, that is appropriate.

Regarding the process to craft a permanent ordinance, Mr. Haney stated the Council can amend the Land Use Code through the Planning Commission process. He said the Planning Commission will look at the interim regulation as a baseline to begin their work.

Councilmember Marchione said he would vote no on the motion because he supported going through the process to put a permanent ordinance in place.

RECESS

The Mayor declared a recess at 10:05 p.m. The regular meeting reconvened at 10:16 p.m.

The Council continued discussion of the interim sign ordinance.

Councilmember Cole urged the Council to not approve the motion due to the number and complexity of the issues. Councilmember Vache concurred with Councilmember Cole.

Councilmember McCormick expressed interest in looking at zoning as a criteria for regulations, but was concerned about taking action tonight.

Mr. Haney said if the Council does not adopt findings then the two ordinances will lapse and the city will not have sign regulations. He stated the motion could be tabled to a special meeting to be held next week, and he would bring back an ordinance and findings reflecting Councilmember Paine's proposal. The Council could then make a choice between the new proposal and the current ordinances.

Councilmember Marchione suggested that the motion be withdrawn, change the ordinance to three signs instead of one and send it to the Planning Commission to begin the process for a permanent ordinance.

Councilmember Resha said he was interested in tabling the motion to a special meeting and making a decision between the two at that time. Councilmember McCormick agreed with Mr. Resha.

Motion by Mr. Paine, second by Ms. McCormick, to table the motion to a

special meeting on May 10, 2005 at
7:00 p.m.

Motion failed (3 - 3) with Cole,
Marchione, and Vache voting nay.

Councilmember Vache said he would like to see a more
robust analysis to clarify the unique differences
between real estate signs and other portable signs.

Mr. Paine withdrew his motion with
the consent of the second.

Motion by Mr. Cole, second by Mr.
Vache, to adopt findings in support
of Ordinances 2253 and 2254 to
maintain the interim sign ordinances
in effect through September 15, 2005,
and refer regulations to the Planning
Commission for further review.

Motion carried (4 - 2) with Paine and
Marchione voting nay.

PUBLIC HEARING - MICROSOFT DEVELOPMENT AGREEMENT (Continued
from April 19, 2005) (QUASI-JUDICIAL)

The Mayor opened the public hearing at 10:39 p.m.

Rob Odle, Policy Planning Manager, in a memorandum
dated April 29, 2005, summarized the withdrawal of the
City of Bellevue's appeal to the Microsoft Development
Agreement (MSDA) and the proposed amendments to the
MSDA. The proposed amendments revised the wording for
Regional Advocacy for Transportation Facilities, and
add a new section on the relationship of the MSDA to
the BROTS interlocal agreement. Mr. Odle stated that
if Council confirms that they are in agreement with the
change in wording that would suffice for Bellevue to
withdraw the appeal.

The Council agreed that the language was acceptable.

The Mayor asked if anyone in the audience objected to
the wording changes. There were no objections.

Mr. Odle said he would transmit the Council's agreement
with the wording changes to the Bellevue City Council,
and staff would prepare a Resolution for action at the
May 17, 2005 regular meeting.

Motion by Mr. Resha, second by Mr. Marchione, to continue the public hearing to May 17, 2005.

OMBUDSMAN REPORT

Councilmember Cole noted the Mayor and Council's receipt of a notice involving a meeting on Education Hill regarding fundraising for Perrigo Park.

Councilmember Cole reported that he attended the meeting on the Kirkland tent city last night. He thought the biggest concern was that the church did not involve the neighbors early enough in the process.

Councilmember McCormick said she received two reports of speeding vehicles and bicycles on West Lake Sammamish Parkway between NE 51 Street and Marymoor Park. She has suggested putting the speed trailer in that location.

Councilmember Marchione said he received two thank yous for staff for facilitating permit issues - one from an individual who was having difficulty with the permit process to build an accessory dwelling unit and another who was having trouble with the permit process for tenant improvements to a commercial building.

COMMITTEE REPORTS

Committee Report - Planning and Public Works Committee

Councilmember Marchione announced a meeting of the Planning and Public Works Committee for Thursday, May 5, 2004 at 4:30 p.m. in the Council Conference Room to discuss City Hall issues.

ADJOURNMENT

There being no further business to come before the Council, the Mayor declared the meeting adjourned at 10:55 p.m.

MAYOR

CITY CLERK